

COURSE: Prescribed Fire Planning and Implementation

TOPIC: Civil and Criminal Liability for Fire Management Decisions (Unit 10)

SUGGESTED TIME: 2 hours

TRAINING AIDS: VCR & video tape (Legal Considerations in Fire Management), Instructor Reference - Legal Implications Associated with Use and Control of Fire as a Management Practice. (David H. White), Handout - arguments to hypotheticals, Video projection system for powerpoint presentation

INSTRUCTOR NOTES:

It is very helpful to have an attorney or an individual very knowledgeable of the legal system instruct this section. These individuals are available in every geographic area. Contact your Regional Fire Management Coordinator or the National Fire Training Specialist for suggested names of individuals.

The best way to present this unit has been with opening discussion from the attorney or legal expert, followed by a question and answer period. An attorney who has some knowledge of fire management case law is extremely helpful. There is a video tape available called Legal Considerations in Fire Management, but it is of poor quality, and it is not recommended for use until it can be redone.

You may be asked about personal liability insurance for Refuge Managers and Burn Bosses. **Attorneys who have taught this session previously have said that the message to convey is that if you have operated within the scope of your duty and in a non-negligent manner, your agency should stand behind you. If you have not, your insurance carrier probably won't support you either.** Read the small print in any contract for liability insurance. Generally it is not considered necessary for most employees.

Emphasize ways to protect managers from liability, i.e. have a good, updated Fire Management Plan and prescribed burn plans and follow them; involve the public in decisions and keep them informed; interdisciplinary staff meetings; weigh policy decisions, and ensure employees are working within the bounds of their employment.

Portions of this lesson were taken from a presentation by Jim Sutherland, Asst. U. S. Attorney, in April of 1991 to a National Park Service audience of Line Officers (Fire Management for Managers).